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May your mind continue the direction of minds in tune with the higher ideals of this great nation and its thinking men.

A. T. MACDONALD.

LOUISVILLE.

### CONSTITUTIONAL GUARANTEES

SIR,—A mere layman in the law offers suggestions, stimulated by the learned article written by the Hon. David Jayne Hill, on "The State and the Citizen," in the August NORTH AMERICAN REVIEW.

Americans are proud of our constitutional "division and distribution" of power, so that its arbitrary use is very difficult. But is the chief cornerstone of the stability of our Government through one hundred and twenty-five years, the fact that the judiciary has usurped the authority to overrule the legislative branch of government by annulling or sanctioning its acts? I do not understand that the written constitutions of France and of the South-American Republics differ materially from the Constitution of the United States, from which they were all patterned. No other Government permits the judiciary to nullify the doings of the legislature. Who supposes for a moment that if the French judiciary had assumed such power, or had been given such power by the Constitution, government changes would have been materially less? Who claims that any such exaltation of judicial authority would have saved the Latin-American States from the anarchy that has blighted them? Have Brazil and Argentina gained their new quiet by conferring new powers upon the judiciary?

Great Britain's Government has held on its even way, quietly changing from time to time its so-called Constitution, for far more than our one hundred and twenty-five years, yet has never even proposed to exalt the judiciary above the legislature.

Evidently the great cause of the stability or instability of governments is in the character of the people under the government, rather than in the status of the judiciary.

I do not urge the restriction of our judiciary to its bare constitutional functions, nor do I argue for the recall, though I cannot avoid noting the fact that the Supreme Court's Dred-Scott decision, begotten, as Abraham Lincoln claimed, if not in fraud, certainly in a very unjudicial manner, was practically "recalled" by the people, after having powerfully stimulated the world's greatest civil war.

(Rev.) HENRY COLMAN.

MILWAUKEE.